BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of

MARC FRIEZNER, dba
ALOHA BICYCLE TOURS

Notice of Failure to Comply
With Hawaii Revised Statutes
and Commission's Regulations;
Order to Show Cause Why
Respondent's Operating
Authority Should Not Be
Suspended or Revoked.

ORDER NO. 22779

Filed August 22, 2006
At 11 o'clock A.M.

Karen St. Groc.
Chief Clerk of the Commission
NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

MARC FRIEZNER, dba ALOHA BICYCLE TOURS ("Respondent"), is the holder of a certificate of public convenience and necessity ("Certificate"), issued pursuant to Hawaii Revised Statutes ("HRS") § 271-12. Under Certificate No. 4809-C, Respondent is authorized to transport passengers by motor vehicle in the 8-to-25 passenger classification over irregular routes on the island of Maui, limited to providing transportation services in conjunction with its bicycle tours from Kula to Haleakala National Park and Ulupalakua.

On April 19, 2006, Respondent was issued Citation No. 0899, with an accompanying civil penalty of $1,000.00. Since Respondent did not pay the citation within fifteen (15) days of receipt of the citation or request a contested hearing on the citation within twenty (20) days of receipt of the citation, the citation was deemed to be a final
order of the commission, pursuant to Hawaii Administrative Rules ("HAR") § 6-68-21(f)(1). The commission sent bills for collection to Respondent on June 14, 2004 and July 7, 2004, requesting payment of the penalty. Respondent has not complied with the commission’s order by failing to pay the penalty imposed by the commission.

HRS § 271-19 and HAR § 6-68-32(b) authorize the commission, after notice and hearing, to suspend or revoke any Certificate, in part or in whole, if the commission finds that the holder violated any provision of HRS chapter 271. Accordingly, the commission may suspend or revoke Respondent’s Certificate for failure to comply with the legal requirements set forth above, unless Respondent is able to show cause why such suspension or revocation should not occur.

THE COMMISSION ORDERS:

1. Respondent shall appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on September 27, 2006, to show cause why Respondent’s Certificate should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.
3. If Respondent fails to appear at the scheduled hearing, Respondent's Certificate shall be revoked.

DONE at Honolulu, Hawaii _____AUG 2 2 2006_____.

PUBLIC UTILITIES COMMISSION 
OF THE STATE OF HAWAII

By: Carlito P. Caliboso, Chairman
By: John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of
the foregoing Order No. 22779 upon the following parties,
by causing a copy hereof to be mailed, postage prepaid, and
properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

MARC FRIEZNER, dba
ALOHA BICYCLE TOURS
P. O. Box 455
Kula, HI 96790 (CM #7006 0100 0002 0376 0260)

DATED: AUG 22 2006

Karen Higashi